REMARKS

This Response, filed in reply to the Office Action dated February 4, 2009, is believed to be fully responsive to each point of rejection raised therein. Accordingly, reconsideration and allowance are respectfully requested.

Preliminary Matters

The Examiner alleges that the Applicant has not complied with one or more conditions for receiving the benefit or the earlier filing date because the US filing date is more than 30 months from the foreign priority date of the PCT application. Applicant respectfully disagrees.

As noted in the Request for Correction of Filing Date filed March 30, 2009, because the requirements for entering national stage in the United States were met on May 16, 2006 (when the basic national fee was paid and a copy of international application PCT/JP04/17118 was filed), the present application may claim priority based on international application PCT/JP04/17118, having a priority date of November 17, 2003 (see MPEP § 1893.03(b)).

Accordingly, Applicant has complied with the conditions required for receiving the benefit or the earlier filing date, and requests the Examiner to acknowledge such compliance.

Claim Rejections Under 35 U.S.C. § 102 - Teruhi

With respect to **claim 1**, Applicant respectfully submits that Teruhi does not disclose or suggest:

> A communication system in which three or more base nodes
> communicate through a plurality of communication media each
> formed of at least one relay node, wherein
> said three or more base nodes include an assuming unit which
> handles a plurality of ports connected to said plurality of
> communication media among ports belonging to said base node as

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one virtual port to assume said plurality of communication media
to be one node

Teruhi describes only communication in a plurality of paths between two base nodes

(source node and destination node) (namely, peer-to-peer communication). Teruhi merely

discloses conventional communication technology which distributes data to a plurality of paths.

An exemplary embodiment of the present invention, on the other hand, relates to a

communication system for enabling communication using a plurality of paths between three or

more base nodes (namely, multi point-to-point communication). At least for this reason,

Applicant respectfully submits that Teruhi does not disclose or suggest all the elements of claim

1.

With respect to **claims 40 and 89** Applicant respectfully submits that, for reasons similar

to those above regarding claim 1, Teruhi does not disclose or suggest claims 40 and 89.

With respect to **claims 3, 4, 41, 42, 90, and 91**, Applicant respectfully submits that these

claims are patentable by virtue of their dependencies[1] and for their additionally recited elements.

For example, with respect to **claims 4, 42, and 91**, Teruhi does not disclose or suggest "having a

port mapping table which correlates at least one port of said base node with one virtual port,"

much less "a forwarding database which registers at least one virtual port in forwarding

information for transferring a data frame transmitted from a certain transmission source to a

predetermined determination", as recited in claims 4, 42, and 91.

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[1] Claims 3 and 4 are dependent on claim 1; claims 41 and 42 are dependent on claim 40, and claims 90
and 91 are dependent on claim 89.

In particular, Teruhi discloses calculating packet loss rate and packet-arrival jitter of all the received packets as if the packets had been received from one communication path (Teruhi at paragraph [0087]). However, Teruhi does not disclose or suggest the above-quoted elements of claims 4, 42, and 91. For this additional reasons, Applicant respectfully submits that Teruhi does not disclose or suggest all the elements of claims 4, 42 and 91.

Claim Rejections Under 35 U.S.C. § 102 - Abdollahi

With respect to **claim 66**, Applicant respectfully submits that Abdollahi does not disclose or suggest, at least: "assuming said plurality of communication media to be one node by handling a plurality of ports connected to said plurality of communication media among ports belonging to each of three or more nodes as a base as one virtual port", as recited therein. In particular, in Abdollahi, neither the manager node, nor the remote nodes, are provided with means to assume a plurality of ports connected to a plurality of communication media in one virtual port. At least for this reason, Applicant respectfully submits that Abdollahi does not disclose or suggest all the elements of claim 66.

With respect to **claims 67-71**, Applicant respectfully submits that these claims are patentable over Abdollahi by virtue of their dependency on claim 66 and for their additionally recited elements. In particular, with respect to **claim 67**, although Abdollahi's manager node is provided with the table holding the node identifier of the remote node belonging to a group/subgroup, Abdollahi does not disclose or suggest: "registering, for one destination, a plurality of pieces of forwarding information for transferring a data frame transmitted from a certain transmission source to a predetermined destination in a forwarding data base", as recited therein.

Furthermore, with respect to **claim 68**, although Abdollahi's manager node is provided with the table which relates the node identifier and session identifiers of the remote node belonging to group/subgroup, these session identifiers are not information for determining the destination of a packet. Therefore, these session identifiers do not disclose or suggest the "forwarding information for transferring a data frame" recited in claim 68.

With respect to **claim 69**, it recites: "when transmitting a data frame to said communication medium having a different frame format, transmitting said data frame with header information of the frame format of said communication medium added [*i.e.*, capsulation] and when receiving a data frame from said communication medium, receiving said data frame with the header information of the frame format of said communication medium removed [i.e., decapsulation]." Abdollahi does not disclose or suggest the capsulation and decapsulation operations recited in claim 69. For this additional reason, Abdollahi does not disclose or suggest all the elements of claim 69.

With respect to **claim 70**, the "communication control program", as recited in claim 70, has a function of transmitting and receiving a keep alive frame to/from each other to obtain a communication state of the communication system. Abdollahi, on the other hand, only transmits a keep-alive frame to the remote nodes from the manger node, and does not transmit to the manager/remote nodes from the remote nodes. Therefore, in Abdollahi, propriety of communication between each node by the failure of communication media cannot be confirmed by the keep-alive frame as this invention, which is obviated by the present invention. For this additional reason, Abdollahi does not disclose or suggest all the elements of claim 70.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed

to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is

kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue

Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any

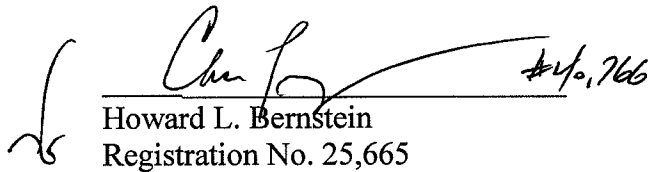overpayments to said Deposit Account.

Respectfully submitted,

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